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| EXAMINER | |
|---|---|
| CHANG, YEAN HSI | |
| **ART UNIT** | **PAPER NUMBER** |
| 2835 | |

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/789,951 | TARKOFF ET AL. | |
| | Examiner | Art Unit | |
| | Yean-Hsi Chang | 2835 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 25-29* is/are rejected.

7)☒ Claim(s) *22-24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a front surface" in claims 1, 14, 16 and 28-29 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The "a front surface" in claims 1, 14, 16 and 28-29 has not been discussed in the specification.

### *Claim Objections*

3. Claims 2, 8-9, 20 and 23-24 are objected to because of the following informalities: The "the side surface" in claim 2, "the label" in claims 18-20, "the plunger" in claim 23, and "the rim portion" in claim 24 lack antecedent bases; the "a side surface" in claim 8, and "a rear surface" in claims 8 and 9 should not use "a" as an article if they refer to the same subject matters claimed in claim 1. Appropriate correction is required.

The following rejections are based on the examiner's best understanding of the application.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-12, 15, 21 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Mills et al. (US 6,075,694).

Mills teaches a bracket element (fig. 2) comprising: a body (200) having a front surface, a rear surface and at least two side surfaces connecting the front surface to the rear surface, at least one module opening (250) extending through at least a portion of the front surface and configured to at least partially receive a communications module therethrough, at least one enclosure connection orifice arrangement (275) comprising a plurality of enclosure connection orifices positioned on and extending through at least one of the surfaces of the body, and at least one attachment mechanism (see col. 4, lines 2-4) configured to secure the bracket element to a surface of the distribution device enclosure by engagement with at least one of the plurality of enclosure connection orifices (fig. 3) (claims 1-2 and 28); wherein the body of the bracket element is manufactured from at least one of a metal, a semi-metal, an alloy, an synthetic material, a plastic and a polymer (see col. 3, lines 37-38) (claim 3); wherein at least one corner of the body of the bracket element is at least one of blunted, rounded, dulled, ground and beveled (see fig. 2) (claim 5); wherein the module opening is sized and shaped so as to allow at least one communications module projecting element to extend therethrough (see fig. 4) (claim 6); a plurality of module openings extending through at least a portion of the front surface and configured to at least partially receive a respective communications module therethrough (see fig. 4) (claim 7); a plurality of enclosure connection orifice arrangements, wherein at least one of the plurality of enclosure connection orifice arrangements is positioned on at least one of: (i) a first end of a side surface, (ii) a second end of the side surface, (iii) a first end of the rear surface, and (iv) a second end of the rear surface (see fig. 2) (claim 8); a first enclosure

connection orifice arrangement positioned on one of a first end of a side surface and a first end of the rear surface, and a second enclosure connection orifice arrangement positioned on one of a second end of the side surface and a second end of the rear surface (see fig. 2) (claim 9); wherein the plurality of enclosure connection orifices of the first enclosure connection orifice arrangement comprises four enclosure connection orifices, with a first enclosure connection orifice substantially vertically aligned with a second enclosure connection orifice and a third and fourth enclosure connection orifice spaced from the second enclosure connection orifice (see fig. 2) (claim 10); wherein the plurality of enclosure connection orifices of the second enclosure connection orifice arrangement comprises two enclosure connection orifices, with a first enclosure connection orifice substantially vertically aligned with a second enclosure connection orifice (see fig. 2) (claim 11); wherein the plurality of enclosure connection orifices of the first enclosure connection orifice arrangement comprises a first set of three enclosure connection orifices, with a first enclosure connection orifice substantially horizontally aligned with a second enclosure connection orifice and a third enclosure connection orifice substantially vertically spaced from the first and second enclosure connection orifice, and a second set of three enclosure connection orifices, with a fourth enclosure connection orifice substantially horizontally aligned with a fifth enclosure connection orifice and a sixth enclosure connection orifice vertically spaced from the fourth and fifth enclosure connection orifice, wherein the second set of enclosure connection orifices is substantially vertically spaced from the first set of enclosure connection orifices (see fig. 2) (claim 12); at least one module connection orifice (264) extending through a surface

of the body of the bracket element and positioned in a spaced relationship with the at least one module opening, the module connection orifice configured to receive an attachment mechanism (for example, 395) therethrough for connecting a communications module (394) to the bracket element (see fig. 4) (claim 15); wherein the bracket element is removably attachable to a rear surface (310 may be considered as the rear surface) of the distribution device enclosure through insertion of the attachment mechanism through at least one enclosure connection orifice and further through a corresponding at least one bracket attachment orifice (see col. 4, lines 2-4) (claims 21 and 25); wherein at least one side surface (see fig. 3) of the bracket element is removably attachable to a rear surface of the distribution device enclosure through insertion of the attachment mechanism through at least one enclosure connection orifice (not shown, see col. 4, lines 2-4) and further through a corresponding at least one bracket attachment orifice (claim 26); wherein at least one surface of the body of the bracket element is configured to abut and be flushly mounted against a surface of the distribution device enclosure (see fig. 3) (claim 27); and a method of mounting the bracket element to a distribution device enclosure disclosed in the specification (claim 29).

6. Claims 1, 9, 12-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosecan et al. (US 5,808,871).

Rosecan teaches a bracket element (11, fig. 1) for a prefabricated distribution device enclosure (fig. 1), comprising: a body (27) having a front surface, a rear surface

and at least two side surfaces connecting the front surface to the rear surface, at least one module opening (for example, 28, fig. 1) extending through at least a portion of the front surface and configured to at least partially receive a communications module therethrough (see col. 4, lines 25-30), at least one enclosure connection orifice arrangement (see fig. 25) comprising a plurality of enclosure connection orifices positioned on and extending through at least one of the surfaces of the body, and at least one attachment mechanism (see col. 5, lines 32-33) configured to secure the bracket element to a surface (for example, 45) of the distribution device enclosure by engagement with at least one of the plurality of enclosure connection orifices (fig. 3) (claim 1); a first enclosure connection orifice arrangement (right on 27 in fig. 25) positioned on one of a first end of a side surface and a first end of the rear surface, and a second enclosure connection orifice arrangement (left on 27 in fig. 25) positioned on one of a second end of the side surface and a second end of the rear surface, wherein the plurality of enclosure connection orifices of the first enclosure connection orifice arrangement comprises a first set of three enclosure connection orifices (upper right on 27), with a first enclosure connection orifice substantially horizontally aligned with a second enclosure connection orifice and a third enclosure connection orifice substantially vertically spaced from the first and second enclosure connection orifice (shown in fig. 25), and a second set of three enclosure connection orifices (lower right on 27), with a fourth enclosure connection orifice substantially horizontally aligned with a fifth enclosure connection orifice and a sixth enclosure connection orifice vertically spaced from the fourth and fifth enclosure connection orifice (shown in fig. 25), wherein

the second set of enclosure connection orifices is substantially vertically spaced from the first set of enclosure connection orifices (shown in fig. 25) (claims 9 and 12); and a plurality of wire clip orifices and a plurality of module connection orifices (28, also see col. 4, lines 25-30) extending through the front surface of the body of the bracket element (claims 14 and 16).

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al.

Mills discloses the claimed invention except the body of the bracket element is at least partially coated with a material on at least one of the surfaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to coat partially the bracket element with a material for preventing surface corrosion, since it was known in the art that surface corrosion of metal material could be protected with a surface coating.

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al. in view of Dubin (US 5,971,506).

Mills discloses the claimed invention except at least a label positioned substantially adjacent at least one of the plurality of enclosure connection orifices and configured to aid a user in identifying the at least one of the plurality of enclosure connection orifices.

Dubin teaches a label (126, fig. 1) for identifying operating parts to the user (see col. 2, lines 39-44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a label adjacent at least one of the plurality of enclosure connection orifices of the bracket element of Mills with the label taught by Dubin for helping a user in identifying the at least one of the plurality of enclosure connection orifices.

10. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosecan et al. in view of Myers et al. (US 4,722,022).

Rosecan discloses the claimed invention except a label being at least one of a symbol, a number, a letter, a representation and an identifying mark, or at least one of etched in a surface of the body, applied to a surface of the body and adhesively joined with a surface of the body, or corresponding to at least one of an entity, a manufacturer, a company, a name and an identification.

Myers teaches an adhesive identification label on an exterior surface of 48 (see col. 2, line 67 – col. 3, line 1) of a bracket body 44.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Rosecan with the adhesive identification label to aid a user in identifying the orifices.

### *Allowable Subject Matter*

11. Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Mills et al. (US 6,075,694), Rosecan et al. (US 5,808,871), Dubin (US 5,971,506), and Myers et al. (US 4,722,022), taken alone or in combination, fails to teach or fairly suggest a bracket element for a prefabricated distribution device enclosure, comprising at least: an attachment mechanism configured to secure the bracket element to the prefabricated distribution device enclosure, including a plunger element and grommet element configured to engage with the plunger element as set forth in claim 22; and a plunger element includes a top surface and an insertion portion, and the grommet element includes a rim portion, at least one flap portion and an insertion conduit extending through the rim portion and the at least one flap portion as set forth in claim 23. Claim 24 is a dependent claim from claim 22.

### *Correspondence*

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
December 28, 2005

YEAN-HSI CHANG
PRIMARY EXAMINER